

**Presentation to the Association of Bay Area Governments Seminar
Homeland Security/UASI: What Every Elected Official Should Know
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UNDERSTANDING

We are one of only a few protected professions specifically mentioned in the Constitution.

UNITED STATES CONSTITUTION - FIRST AMENDMENT

Congress shall make no law abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and consult for their common good, and to petition the government for a redress of grievances.

ACCESS

CALIFORNIA PENAL CODE § 409.5

§ 409.5 Authority of peace officers, life guard or marine safety officer to close disaster area; exclusion from police command post area; unauthorized entry; **exception**

(a) Whenever a menace to the public health or safety is created by a calamity such as flood, storm, fire, earthquake, explosion, accident or other disaster, officers of the California Highway Patrol, California State Police, police departments, marshal's office or sheriff's office, or any officer of the Department of Forestry and Fire Protection designated a peace officer by subdivision (f) of § 830.3, any officer or employee of the Department of Parks and Recreation designated a peace officer by subdivision (i) of § 830.3, and any publicly employed full-time marine safety officer while acting in a supervisory position in the performance of his or her official duties, may close the area where the menace exists for the duration thereof by means of ropes, markers or guards to any and all persons not authorized by the lifeguard or officer to enter or remain within the enclosed area. If such calamity creates an immediate menace to the public health, the local health officer may close the area where the menace exists pursuant to the conditions set forth above in this section.

(b) Officers of the California Highway Patrol, California State Police, police departments, marshal's office or sheriff's office or officers of the Department of Forestry and Fire Protection designated as peace officers by subdivision (f) of § 830.3 may close off the immediate area surrounding any emergency field command post or any other command post activated for the purpose of abating any calamity enumerated in this section or any riot or other civil disturbance to any and all unauthorized persons pursuant to the conditions which are set forth in this section whether or not the field command post or other command post is located near to the actual calamity or riot or other civil disturbance.

(c) Any unauthorized person who willfully and knowingly enters an area closed pursuant to subdivision (a) or (b) and who willfully remains within the area after receiving notice to evacuate or leave shall be guilty of a misdemeanor.

(d) Nothing in this section shall prevent a duly authorized representative of any news service, newspaper, or radio or television station or network from entering the areas closed pursuant to this section. (bold italics for emphasis)

HONESTY

A) The Crime Scene excuse:

From the California Highway Patrol website: <http://www.chp.ca.gov/html/media.html>

Note: A safety hazard to the press does not justify restriction; however, it is CHP policy to warn the media of potential danger before allowing access.

Reasons for Denying Access to the Media

- * Access would clearly interfere with emergency crews or equipment (Leiserson vs. San Diego).
- * Site is a crime scene.

If access is denied, the CHP has two obligations:

1. Restrict media only as long as there is clear interference
2. Provide a press area with maximum access possible under the circumstances

The CHP may provide escorted access to a pool reporter and cameraperson.

B) The Terrorism Excuse

C) The Uninformed Intervenor and/or False Authoritarian:

Red Cross
Citizen Volunteer
Angry Citizen
Good Samaritan

INFORMATION

A) The reality of live television.

B) A chance to control the flow (timed releases and news conferences) and accuracy.

C) Understand who you're talking to

THE MEDIA: FRIEND AND FOE (recommended article)

Center of Excellence in Disaster Management and Humanitarian Assistance

<http://orgmail2.coe-dmha.org/dr/DisasterResponse.nsf/section/10?opendocument&home=html>